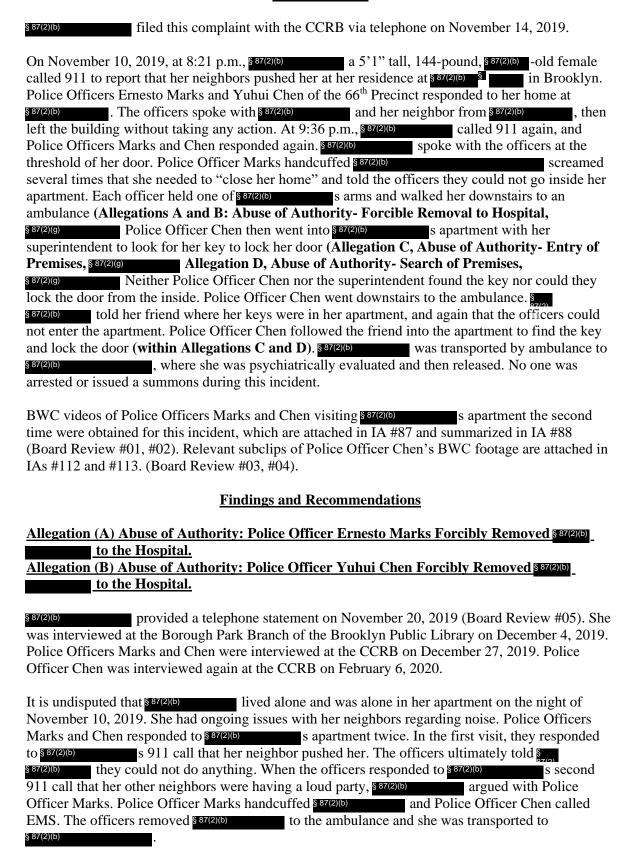
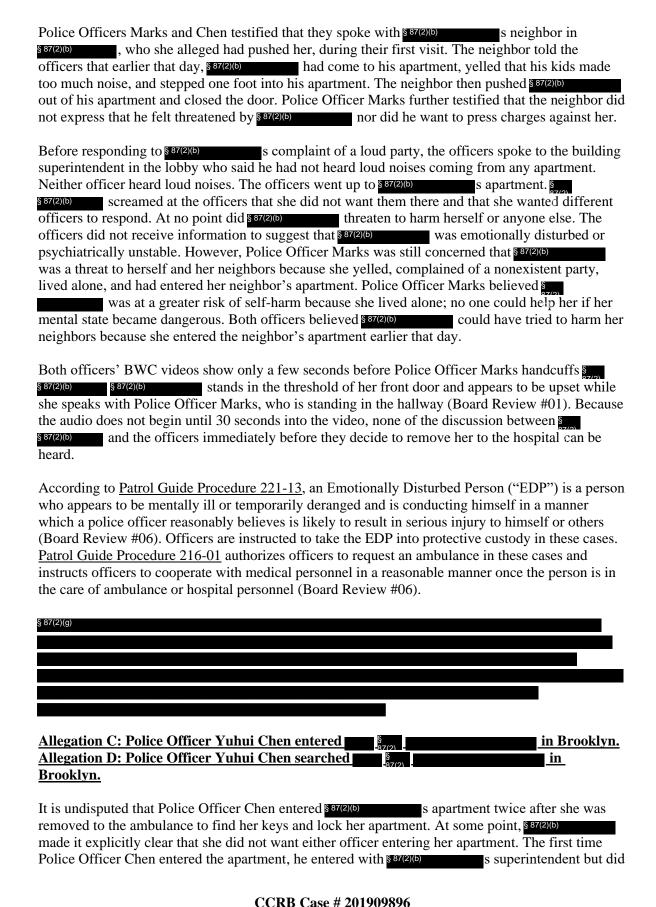
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
Esme Trontz		Squad #2	201909896	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Sunday, 11/10/2019 8:21 PM		§ 87(2)(b)		66	5/10/2021	12/25/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	Date/Time	Received at CCI	RB
Thu, 11/14/2019 10:19 AM		CCRB	Phone	Thu, 11/14	4/2019 10:19 AM	I
Complainant/Victim	Type	Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Ernesto Marks	13948	946759	066 PCT			
2. POM Yuhui Chen	12623	965982	066 PCT			
Officer(s)	Allegati	on		Inve	estigator Recon	nmendation
A.POM Ernesto Marks	Abuse: Police Officer Ernesto Marks forcibly removed to the hospital.					
B.POM Yuhui Chen	Abuse: Police Officer Yuhui Chen forcibly removed to the hospital.					
C.POM Yuhui Chen	Abuse: Police Officer Yuhui Chen entered [\$87(2)(b)] in Brooklyn.					
D.POM Yuhui Chen	Abuse: Police Officer Yuhui Chen searched § 87(2)(b)					

Case Summary



CCRB Case # 201909896



not find the keys. Police Officer Chen later entered the apartment again with § 37(2)(b) friend, who ultimately found her keys and locked her apartment. Police Officer Chen testified that §87(2)(b) made clear at some point during the incident that she did not want either officer to enter her apartment, though he could not remember whether she said so before or after his first entry. He testified that regardless of \$87(2)(6) s consent, he would have entered her apartment to find the key and lock her door. He was responsible for locking the apartment because \$87(2)(b) lived alone and therefore no one else was available to lock the door. Leaving the door unlocked could allow someone else to enter the apartment and steal her belongings. He could not cite a specific Patrol Guide procedure that established this responsibility. In the first subclip of Police Officer Chen's BWC footage, after 887(2)(5) is pulled from her apartment and handcuffed, she says, "I need to close my home!" several times (Board Review #03). screams, "You are not going to go in my home," multiple times. The officers walk down the stairs, where they meet a man who Police Officer Chen identified in his interview as the superintendent. Police Officer Chen enters \$87(2)(b) s apartment. He looks behind her front door, then walks down the hallway toward the kitchen and shines his phone's flashlight on the walls. He and the superintendent try to lock the door without the keys but with no success. They both look around the apartment further. Police Officer Chen does not open any compartments during this visit. The second subclip of Police Officer Chen's BWC footage shows \$87(2)(b) s friend talking to her from the back of the ambulance (Board Review #04). She describes the location of her keys so he can retrieve them. When Police Officer Marks says Police Officer Chen will accompany the man, §87(2)(b) yells, "no one in my home." Police Officer Marks tells the man to pretend he is going alone, but that Police Officer Chen will accompany him to make sure he does not steal anything. Police Officer Chen accompanies the man to the apartment who finds the keys and locks the door. According to Brigham City v. Stuart (547 U.S. 398) [2006], officers may not enter a home without consent or a warrant unless there is an emergency or exigent circumstances (Board Review #07). Neither Patrol Guide Procedure 221-13 nor Patrol Guide Procedure 216-01 states whether officers are required or encouraged to secure the residence of an individual who has been removed to the hospital (Board Review #06).

CCRB Case # 201909896

This is the first complaint to which \$87(2)(b) has been a party (Board

Civilian and Officer CCRB Histories

Review #08).

- Police Officer Marks has been a member-of-service for 11 years and has been a subject in four CCRB complaints and seven allegations, none of which were substantiated. §87(2)(9)
- Police Officer Chen has been a member-of-service for one year. This is the first complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

	ce of Claim search was re	on for this complaint \$87(2)(b) equested from the New York City f the search will be included in th	-
	[§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad No.:	2		
Investigator:	Esme Trontz Signature	Inv. Esme Trontz_ Print Title & Name	04/06/2020 Date
Squad Leader:	Alexander Opoku-Agyen Signature	nang IM Alexander Opoku-Ag Print Title & Name	<u>yemang</u> <u>4/7/2020</u> Date
Reviewer:	Signature	Print Title & Name	Date